

REMARKS

The Office Action dated October 14, 2003 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time, along with our check in the amount of \$950.

Also attached herewith is a revised oath setting forth the inventor's full name, residence, citizenship and address.

The specification has been amended to change the British spelling of certain words, such as programm and authorised, to the American spelling of such words.

Claims 1-5 are currently canceled. Claims 6, 8, 10-12 are currently amended. Claim 7 has been previously amended. Claim 9 has been previously canceled.

Claims 1-8 and 10-12 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,619,571 to Sandstrom et al in view of United States Patent No. 5,805,706 to Davis. Claims 1-5 have been canceled. Reconsideration of the rejection is respectfully requested.

Independent claim 6 has been amended to include the steps of receiving video and/or audio data material relating to a broadcast program which is to be recorded; decrypting the data after receipt by the receiver; parsing the data to generate a plurality of location identifiers for respective portions of the material; storing the location identifiers in a database; and locally encrypting the data material prior to storage in the memory device. The '571 Sandstrom et al patent does not include the steps of receiving the video and/or audio data material nor does it include the step of decrypting of the data material. Therefore, reconsideration of the rejection is requested.

The '706 patent to Davis discloses decryption of received data but is concerned with a particular form of cryptographic device. The Davis '706 patent does not suggest that any further

processing of the data should be performed following the decryption, as in Applicant's invention, nor does it suggest that the general concept of decryption could in any way be adopted by the skilled person. Thus, there is no suggestion as to why a skilled person would develop, in conjunction with the Sandstrom et al '571 patent, Applicant's method of generating a database index of location identifiers of specified features of video, audio and or auxiliary encrypted data material relating to a broadcast program held in a memory device by decrypting the received data material; parsing the data material to generate a plurality of location identifiers for respective portions of the data material; storing said location identifiers in a database; and locally encrypting said material prior to storage in the memory device. Reconsideration of the rejection is requested.

Applicant's invention allows for the processing of encrypted data once it has been broadcast and received at a recipient's location and via the apparatus provided at that location. After having achieved a secure transmission of the data via the broadcast, Applicant's method further includes performing security steps while, at the same time, ensures that access can be gained to temporarily decrypted data to allow the generation of a series of location identifiers for respective portions of the decrypted data that are stored in memory. Thereafter, the data is once again locally encrypted prior to storage in the memory device.

Applicant respectfully disagrees with the Examiner's rejection of the aforestated claims under 35 USC 103(a). Absent some suggestion or motivation supporting the combination of references, the references may not properly be combined. "The mere fact that references *can* be combined or modified does not render the resulting combination obvious unless the prior art suggests the desirability of the combination". M.P.E.P. Section 2143.01 (Emphasis in original). Further, it is necessary for the Examiner to set forth *evidence* that one of ordinary skill in the art would have

been led to combine the teaching of the applied references. Accordingly, Applicant respectfully submits that claims 6 and 7, 8 and 10-12 are allowable over the art of record.

Examiner Bowes suggests that it would be obvious to any skilled person to adopt the teachings of the Davis '706 patent with the Sandstrom et al '571 patent to achieve improved security for the reason of improving the secure broadcast of the data. Secure broadcast of data by encryption is already known, and it is not in dispute. Applicant's invention is not directed toward securing broadcast data by encryption but is directed toward the method of processing encrypted data once it has been broadcast and received and then performing security steps while also ensuring that access is attainable to the temporarily decrypted data to allow the generation of the series of location identifiers for respective portions of the decrypted data that are stored in a memory. The data is then once again locally encrypted prior to storage in the memory device. There is no suggestion in the combined teachings of Davis and Sandstrom of Applicant's method of generating a database index of location identifiers of specified feature of video, audio, and/or auxiliary data material as set forth in currently amended claim 6. Therefore, reconsideration of the rejection is respectfully requested.

The application should now be in condition for allowance, which is respectfully requested.

Respectfully Submitted

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